UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/195
14 March 1996
ENGLISH
ORIGINAL: ENGLISH/FRENCH

LETTER DATED 13 MARCH 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to resolution 1013 (1995), by which the Security Council authorized the establishment of the International Commission of Inquiry to investigate, inter alia, reports relating to the sale or supply of arms and related matériel to former Rwandan government forces in the Great Lakes region in violation of Council resolutions 918 (1994), 997 (1995) and 1011 (1995).

By paragraph 4 of that resolution, the Security Council requested me to submit, within three months of the establishment of the Commission, an interim report on the conclusions of the Commission. That report was submitted to the Council on 26 January 1996 (S/1996/67). By a letter dated 13 February 1996 (S/1996/104), the President of the Security Council indicated that members looked forward to receiving the Commission's final report in due course.

The purpose of the present letter is to transmit to the Council the final report of the International Commission of Inquiry. As requested by the Council, the report contains the Commission's conclusions, as well as its recommendations regarding possible measures to curb the illegal flow of arms in the Great Lakes region.

In the light of these recommendations, the Security Council may wish to decide whether the Commission should continue its investigations or whether other measures should be put in place to promote compliance with the relevant resolutions of the Council.

Should the Council decide that the Commission is to pursue its investigation, it would be my intention to review, in consultation with the Chairman, the composition and modus operandi of the Commission, taking into account the need for maximum cost-effectiveness, especially at a time when the Organization is facing an acute financial crisis.

I should like in this connection to emphasize that, in the absence of voluntary contributions to the budget of the Commission as called for in paragraph 8 of resolution 1013 (1995), the Commission would continue to be financed as an expense of the Organization. The necessary additional appropriations would therefore have to be made in the context of the regular budget of the Organization.

(Signed) Boutros BOUTROS-GHALI

Annex

Report of the International Commission of Inquiry (Rwanda)

I. INTRODUCTION

1. By paragraph 1 of its resolution 1013 (1995) of 7 September 1995, the Security Council authorized the establishment of the International Commission of Inquiry to investigate allegations that former Rwandan government forces were being supplied with arms in violation of the embargo imposed by the Council in resolutions 918 (1994), 997 (1995) and 1011 (1995). The Commission was also charged with investigating allegations that such forces were receiving military training in order to destabilize Rwanda, and with identifying parties aiding and abetting the illegal acquisition of arms by those forces, contrary to the Council's resolutions.

2. By paragraph 4 of resolution 1013 (1995), the Security Council requested the Secretary-General to submit, within three months from its establishment, an interim report on the conclusions of the Commission and, as soon as possible thereafter, to submit a final report containing its recommendations.

3. In a letter dated 16 October 1995 (S/1995/879), the Secretary-General notified the President of the Security Council that he had appointed the following persons as members of the International Commission:

Ambassador Mahmoud Kassem (Egypt), Chairman

Inspector Jean-Michel Hanssens (Canada)

Colonel Jürgen G. H. Almeling (Germany)

Lt. Colonel Jan Meijvogel (Netherlands)

Brigadier Mujahid Alam (Pakistan)

Colonel Lameck Mutanda (Zimbabwe).

4. By a letter dated 20 October 1995 (S/1995/880), the President of the Security Council informed the Secretary-General that the members of the Council welcomed his decision and took note of the information contained in his letter.

5. The Commission completed its interim report three months after the nomination by the Secretary-General of its Chairman and members and submitted it to the Council on 26 January 1996 (S/1996/67, annex). In response to the letter of transmittal of the Secretary-General, the President of the Security Council stated (S/1996/104) that the Council members looked forward to receiving the final report of the Commission in due course.

6. The Commission herewith submits its final report, which contains additional information it has discovered since the submission of its interim report. In accordance with paragraph 1 (d) of resolution 1013 (1995), by which the Commission was requested to recommend measures to end the illegal flow of arms

in the subregion in violation of the Council resolutions referred to above, the Commission also submits recommendations for the Council's consideration.

II. ACTIVITIES OF THE INTERNATIONAL COMMISSION OF INQUIRY SINCE THE SUBMISSION OF ITS INTERIM REPORT

A. Activities in France

7. On 25 January 1996, in response to the nomination by the Government of France of a senior official to assist it in its inquiries, the Commission requested the Government to locate certain individuals it wished to interview in connection with events said to have taken place in and around Goma airport and in Rwanda, especially during the period of Opération Turquoise, the multinational operation set up for humanitarian purposes in Rwanda pursuant to Security Council resolution 929 (1994).

8. By a note verbale dated 13 February 1996, the Government of France invited the Commission to meet with General Lafourcade, the Commander of Opération Turquoise, and Colonel Zurlinden, who had been in charge of French forces at Goma airport during that period (June to August 1994). The Government also proposed a meeting with officials of the Ministry of Foreign Affairs.

9. The French note went on to say that with respect to the other persons identified by the Commission, the French authorities would seek to inform them of the Commission's wish to interview them. The French authorities nevertheless wished to draw the attention of the Chairman to the fact that, as they were private individuals, it was not possible to indicate what the response of those persons to those requests for interviews might be.

10. The French authorities also wished to remind the Chairman of the Commission that he could if he so requested meet the Secretary-General for National Defence, whose responsibility it was to control exports of all sensitive French military matériel.

11. Accordingly, members of the Commission visited France from 26 to 29 February 1996 and met with officials of the Ministry of Foreign Affairs, General Lafourcade and Colonel Zurlinden and representatives of the Secretary-General for National Defence whose responsibility it was to control exports of all sensitive French military matériel. The French officials informed the Commission that their Government had suspended the sale and supply of arms to Rwanda more than a month before the imposition of the embargo by the Security Council. They explained the legal and procedural mechanisms involved in the consideration of the sale or supply of French arms and matériel to any potential recipient and stated that these mechanisms had been fully complied with. At the request of the Commission, the French authorities also arranged meetings with French manufacturers of arms and matériel.

12. General Lafourcade told the Commission that French forces had brought with them no arms except those they required for their own use. No weapons were left behind, and all had been fully accounted for on their departure. The General also informed the Commission that French forces had confiscated approximately a

thousand weapons from the retreating Rwandan government forces (RGF - also known as Forces Armées Rwandaises (FAR)). At the conclusion of Opération Turquoise, they said they had inventoried those weapons and handed them over to the United Nations Assistance Mission for Rwanda (UNAMIR). The Commission had already heard of this matter and had written to UNAMIR asking about the disposition of the arms. No reply has been received.

13. Colonel Zurlinden told the Commission he had been at Goma from 22 June to 30 September 1994. During that period he had seen no arms being flown in for the use of the Rwandan government forces, and was not aware that any such arms had been imported. Though the French forces exerted considerable control over the airport and its environs, however, they did not handle the unloading of Zairian aircraft.

14. The representatives of the Secretary-General for National Defence informed the Commission in some detail concerning the legislation and procedures governing the control of the manufacture, sale, shipping and transit of arms in and from France. It was stressed that these had been strictly complied with in the case of Rwanda even before the imposition of the embargo by the Security Council, since the authorities had taken the initiative of officially suspending the export, sale or supply of arms and matériel to that country as early as 8 April 1994 (copies of the declassified documents concerned have been made available to the Commission on the basis of strict confidentiality). Consequently, no French arms had been sold or supplied to Rwanda in violation of the embargo.

15. It did not prove possible for interviews to be arranged with the private persons the Commission had wished to interview. One of those individuals was Mr. Jean-Claude Urbano, described in the Human Rights Watch report as the French consul at Goma in mid-1994. The Human Rights Watch report attributed to Mr. Urbano certain statements concerning alleged arms deliveries. The Commission understands that Mr. Urbano has instituted legal proceedings for slander against Human Rights Watch in respect of the statements attributed to him.

16. Two members of the Commission met on 29 February 1996 with officials of two major French arms dealers whose headquarters are located in or near Paris. Both confirmed that they had supplied matériel or ammunition to the Rwandan government forces in the past, but had not done so since 1992. They affirmed that they had strictly applied the provisions of the United Nations embargo imposed by resolution 918 (1994).

B. Activities in Burundi

17. From 26 to 29 January 1996, on the invitation of the Government of Burundi conveyed through the Burundian Embassy to Kenya at Nairobi, members of the Commission visited Bujumbura and met with the President of the Republic, Mr. Sylvestre Ntibantunganya. The Commission also interviewed a number of Burundian officials, including the Chiefs of Staff of the army and gendarmerie, as well as members of the diplomatic community. None of those interviewed had any information on alleged violations of the Security Council's resolutions, and

thus were not in a position to throw any direct light on the object of the Commission's inquiries. The Commission also met with the Chairman and members of the Commission of Inquiry in Burundi and the Special Representative of the Secretary-General.

C. Activities in Kenya

18. On 29 January 1996, immediately on his return from Bujumbura, the Chairman and members of the Commission met with the Minister for Foreign Affairs of Kenya, Mr. Stephen Musyoka, and requested the cooperation and assistance of his Government in inquiries the Commission wished to make on Kenyan territory. The Minister promised to respond to the Commission's request after consulting with his officials. On 29 February 1996, following the departure of the Commission for New York, the Ministry of Foreign Affairs wrote to the Chairman to propose that meetings be arranged "as soon as the Chairman and the members of his Commission return from New York". This communication was received in New York on 11 March 1996.

D. Activities in Rwanda

19. The Commission has continued its contacts with Rwandan Government officials and others within Rwanda. Shortly before the Commission returned to New York it obtained information from some of these sources that strongly suggested that aircraft were continuing to land at Goma and Bukavu with arms for the former Rwandan government forces. Owing to the short time remaining to it and in view of the difficulties it had already encountered in Goma, the Commission has not yet been able to investigate these allegations more thoroughly.

20. The Commission also received strong indications from its sources that senior figures among the former Rwandan government forces were still actively raising money among sympathizers abroad, apparently for the purpose of funding an armed struggle.

III. CASE STUDY: ARMS PURCHASE IN SEYCHELLES

21. As noted in its interim report (S/1995/67, annex, paras. 50-54), the Commission decided to devote particular attention to detailed allegations concerning the apparent involvement of Seychelles officials in two deliveries of arms to Goma airport, Zaire, in mid-June 1994. These allegations appeared in the report produced by the Washington, D.C.-based non-governmental organization Human Rights Watch Arms Project, entitled "Rearming with impunity: international support for the perpetrators of the Rwandan genocide", and were supplemented in numerous local and international media accounts, as well as personal interviews conducted by the Commission.

22. According to these reports, an Air Zaïre aircraft transported two consignments of small arms and ammunition from Seychelles to Goma following negotiations over the sale of the arms said to have been conducted between senior Seychelles Government officials and a high-ranking officer of the former

Rwandan government forces, Colonel Théoneste Bagosora. A South African national, Mr. Willem Ehlers, was said to have accompanied Colonel Bagosora from Johannesburg to Seychelles on 4 June 1994 and to have participated in the negotiations. The aircraft concerned was a DC-8 cargo aeroplane with the call-sign 9QCLV, which was said to have transported the arms in two separate flights between Seychelles and Goma on 16-17 and on 18-19 June 1994, one month after the imposition of the embargo. According to the Human Rights Watch report, the Government of Zaire had issued an end-user certificate in respect of the arms which, however, on arrival in Goma were reportedly handed over for the use of the Rwandan government forces, at that time still in Gisenyi, Rwanda.

23. As noted in its interim report (paras. 28-32), the Commission had while in Kinshasa met with the Zairian Vice Prime Minister and Minister for Foreign Affairs, Mr. Gérard Kamanda wa Kamanda, on 9 December 1995 and put to him a number of written questions concerning allegations of Zairian Government complicity in the rearming of the former Rwandan government forces. In particular the Commission, at that time under the impression that two separate aircraft were involved, asked two questions relating to the Seychelles allegations. The first was:

> "What are the circumstances surrounding allegations that two Air Zaïre aircraft were used to transport arms, including anti-tank and fragmentation grenades, to Goma?"

24. In its written reply, delivered at a subsequent meeting between the Commission and the Foreign Minister on 15 December 1995, the Government of Zaire responded to this question as follows:

> "The Government wonders how it was possible to ascertain the contents of these aircraft, unless access to them was obtained, in which case it is no longer possible to speak of allegations, and those who had access to the contents of the aircraft and who are thus witnesses should be identified and should make official statements.
>
> "The Government would like to be informed of who was behind this transport of arms and the circumstances of the traffic, so that it can conduct an inquiry.
>
> "The Commission may wish to note that since 1994 Air Zaïre has had only a single Boeing 737 and one DC-8 cargo aircraft, and that they are no longer flying regularly."

25. The Commission's second question was:

> "Is it true that the Government of Zaïre issued end-user certificates for the arms transported from Seychelles? What was the final destination of that delivery?"

To which the response was:

> "The Government has no knowledge of this matter."

26. On 11 December 1995, the Commission met with Admiral Mavua Mudima, the Vice Prime Minister and Minister of Defence of Zaire and, among other things, asked him if he knew Colonel Théoneste Bagosora. The Minister, after consulting with his colleagues, denied all knowledge of the Colonel.

27. As further noted in its interim report (para. 26 and appendix), while in Kinshasa the Commission met with the Zairian Minister of Transport and then, with his authorization, the President/Director-General of the Régie des Voies aériennes, the body responsible for Zaire's airports and air transport. Upon the request of the Commission, the President/Director-General produced the flight plans of Air Zaïre aircraft operating during the month of June 1994 and the Fiche journalière de mouvements aériens. Among these were documents that indicated that an Air Zaïre DC-8 aircraft, call-sign 9QCLV, had left Kinshasa on 16 June 1994 in the direction of Mombasa and had returned on 20 June from Goma to Kinshasa.

28. On 7 December 1995, the Commission wrote to the Seychelles Defence Minister, Mr. James Michel, requesting information about these allegations, but received no reply. However, on 31 January 1996, at the invitation of the Government of Seychelles issued in response to a further letter from the Commission, two members of the Commission visited Seychelles to discuss the allegations with Mr. Michel and a number of other senior figures of the Government. A very different picture of events then emerged from that painted by the Government of Zaire.

29. The Government of Seychelles and Mr. Michel cooperated fully with the Commission and provided it with information that amply corroborated the statements made in the Human Rights Watch report. The Defence Minister stated that the arms in question had been seized by his Government because they were being transported to Somalia in violation of the United Nations arms embargo imposed on that country in a ship called Malo. In doing so, he stated, Seychelles had done the international community a service, especially in that the assumption of custody of the arms had involved his Government in considerable expense and given rise to security risks. His Government had tried to dispose of the arms, and was approached by a Mr. Willem Ehlers, a South African national who said the Government of Zaire was interested in buying them. Mr. Ehlers, who subsequently described himself as director of a company called Delta Aero, arrived in Seychelles on 4 June 1994 accompanied by a person now known to be Colonel Théoneste Bagosora, whom the Seychelles authorities believed to be Zairian. The buyers inspected the shipment, agreed to purchase it in its entirety and produced an end-user certificate apparently issued by the Zairian Ministry of Defence. They undertook to provide an aircraft to transport the munitions. This turned out to be an Air Zaïre DC-8 cargo aeroplane with the registration 9QCLV.

30. To resolve an objection from the Director-General of Seychelles Civil Aviation concerning the transportation of military matériel in a civilian aircraft, the "Zairian" army colonel produced a document certifying that the aircraft had been chartered for military purposes and purporting to place it under the "full military responsibility of the Ministry of Defence of the Government of Zaire". The document bore the seal of the Republic of Zaire and

the letterhead of the Ministry of National Defence and Veteran's Affairs, was dated 16 June 1994, and was signed by Colonel T. Bagosora (see appendix II).

31. However, the Seychelles authorities told the Commission, their suspicions were aroused by subsequent developments. Following the departure of the second consignment of arms - accompanied by Colonel Bagosora - on 19 June, local press reports appeared revealing that the armaments were being transported to Goma and not, as the Seychelles authorities had believed, to Kinshasa. They also discovered that Colonel Bagosora was not Zairian, but an officer of the Rwandan government forces. At that point, the Seychelles authorities cancelled a third consignment planned for 23 June 1994, apparently without any reaction from Mr. Ehlers or Colonel Bagosora.

32. The Seychelles authorities supported their account of these events with substantial documentation, copies of which they submitted to the Commission. This included copies of flight plans showing that the Air Zaire DC-8 aircraft 9QCLV landed in Seychelles from Mombasa on 16 June 1994; departed from Seychelles for Goma on 17 June; returned to Seychelles on 18 June, and returned once more to Goma on 19 June. In corroboration of this flight schedule, the Commission has since independently confirmed with the assistance of the International Civil Aviation Organization that the aircraft landed at Mombasa on 16 June 1994 from Kinshasa at 0830 hours and left for Seychelles the same day at 1014 hours with eight persons on board. Records available to the Commission indicate that the pilots for the two flights were Mr. L. Aembe-Monga and Mr. Wa Makilanda, and that they were of Zairian nationality. The Commission has not yet been able to identify the other passengers and crew members.

33. The Government of Seychelles also provided the Commission with a copy of a document purporting to be an end-user certificate signed by General Baoko Yoka, Vice-Minister for National Defence of Zaire, at Kinshasa on 13 June 1994 (see appendix III). The document refers to the Delta Company but does not, however, contain details of the consignment it purported to authorize except for a brief reference to TNT, which was not among the arms sold by the Seychelles. The Seychelles Government provided to the Commission lists of the rifles, grenades and ammunition contained in each of the two consignments airlifted to Goma. These two lists, dated 16 and 18 June 1994, respectively, were each countersigned by Lt. Colonel Leopold Payet of the Seychelles People's Defence Forces and by Colonel Bagosora, who signed on behalf of the Zairian Armed Forces (FAZ) (see appendices IV and V). Each consignment weighed approximately 40-42 tons. The Commission has not yet been able to complete its investigations into the identity of the Delta Company and the reference to TNT.

34. The Government of Seychelles has since informed the Commission that it has not been requested to grant permission for a re-export of the arms in question, nor has it granted such permission.

35. Stating that the arms had been paid for by two payments into the account of the Central Bank of Seychelles in the Federal Reserve Bank of New York, the Seychelles Government then authorized the Federal Reserve Bank to divulge to the Commission information concerning those payments. On 5 February 1996, the Commission wrote to the Federal Reserve Bank requesting information as to the

source of those two payments, both made on 17 June 1994, of $179,965 and $149,982.50.

36. The Federal Reserve Bank of New York replied on 27 February 1996: "On June 17, 1994 Chase Manhattan Bank, New York, transferred the following funds to the account of the Central Bank of Seychelles on our books". The originator of the transaction in respect of the first sum - $179,965 - was listed as "Union Bancaire Privée, Genève", and the originator of the transaction for the second - $149,982.50 - was listed as "one of our clients". The Bank's letter concluded: "We have no further information concerning the source of the two payments".

37. Though Colonel Théoneste Bagosora acted or purported to act for the Zairian Armed Forces in this matter, he is in fact a Rwandan national, and declared himself as such when entering Seychelles on 4 June 1994 to negotiate for the arms. The immigration card he filled in upon arriving at Seychelles airport, a copy of which was also made available to the Commission, indicates this clearly, giving the number of his Rwandan passport, issued in Kigali on 1 December 1992, as 000855. Under "Purpose of visit", Colonel Bagosora wrote: "Salesman" (see appendix VI).

38. In the Human Rights Watch report Colonel Bagosora is described as "Counselor to the Minister of Defense of the ousted government of Rwanda and its chief arms procurer" (p. 2). He was interviewed by the Human Rights Watch researcher in person at Goma on 30 November 1994 and again at Kinshasa on 15 February 1995. The Commission has since obtained a physical description of the Colonel that corresponds to that provided by the Seychelles authorities, as well as confirmation of the fact that he did indeed tell the Human Rights Watch researcher that the arms were destined for and subsequently delivered to the Rwandan government forces. The Commission was further informed that Colonel Bagosora spoke openly to the Human Rights Watch researcher, apparently because he felt that the transaction was legitimate, despite the United Nations arms embargo, because the war in Rwanda was still going on. Furthermore, the Commission has interviewed a high-ranking officer of the former Rwandan government forces who currently resides in Goma and who claimed to know Colonel Bagosora well. He identified him as having been chef de cabinet of the former Minister of Defence and stated that as at August 1995 Colonel Bagosora had still been living in Goma, but had since left.

39. In December 1995, a member of the Rwandan community in Nairobi informed the Commission that Colonel Bagosora had been resident in Goma, and said he would be prepared to meet with the Commission and deny the statements attributed to him in the Human Rights Watch report. The Commission had intended to locate and interview the Colonel during its visit to Goma in January 1996 but, as described in its interim report, was not able to complete its investigation there because of the position adopted by the Zairian authorities. The source who told the Commission of Colonel Bagosora's whereabouts and likely protestation of innocence has since apparently left Nairobi and can no longer be traced. According to the latest information available to the Commission, Colonel Bagosora himself is now in Cameroon.

IV. APPROACHES TO GOVERNMENTS

A. China

40. On 30 January 1996, the Government of China replied to the letter of the Chairman requesting its reaction to the allegations made in the Human Rights Watch report. The relevant portion of the letter reads:

> "The Chinese Mission has just received the letter that you referred to in your interim report to the Secretary-General dated 26 January 1996. The Chinese Government has all along strictly observed the relevant Security Council resolution concerning arms embargo against Rwanda and has never provided arms to any party in Rwanda. The accusations in the relevant report against China are sheer fabrications out of ulterior motives in a deliberate attempt to sow discord in the friendly relations between China and Rwanda."

B. Republic of South Africa

41. As noted in the interim report, the Chairman of the Commission had also written on two occasions to the Government of South Africa, on 27 and 29 November 1995, but had received no reply. The Commission has also requested a copy of the report of the Cameron Commission, which it believes may have a bearing on its investigations, but has not yet received it. Pursuant to the information obtained by the Commission in Seychelles regarding the participation of a South African national, Mr. Willem Ehlers, in negotiations for the purchase of arms subsequently sent to Goma, Zaire (see paras. 22, 29 and 31 above), the Commission met with the South African Deputy High Commissioner in Nairobi on 7 February 1996.

42. At that meeting, the Chairman conveyed to the Deputy High Commissioner a third letter, dated 7 February 1996, to the Government of South Africa, recalling the previous two and referring to the involvement of Mr. Ehlers in an arms transaction that was under investigation by the Commission as a possible violation of the Security Council embargo. The letter again requested information as to whether the South African Government had conducted, was conducting or contemplated conducting an investigation into the possible participation of any South African nationals or companies in the sale or supply of arms and matériel to the former Rwandan government forces in violation of the United Nations embargo. The Commission also repeated its request for information as to the origin of the weapons it had inspected on Iwawa Island, Rwanda (also known as Ile Wahu), one of which appeared to be of South African manufacture.

43. In response, the Deputy High Commissioner requested the Commission to supply his Government with any information it had that might relate to the possible involvement of a South African national or company in the case under investigation. This the Commission agreed to do.

44. On 20 February 1996, the Minister for Foreign Affairs of South Africa, Mr. Alfred Nzo, wrote to the Chairman of the Commission referring to the two

letters dated 27 and 29 November and the requests made therein and replying as follows:

> "Following investigation by our authorities I am now able to furnish the following information which has come to hand.
>
> "In respect to the involvement of South African nationals in connection with the sale or supply of arms and matériel to the former Rwandan Government and, in particular, Mr. Willem Petrus Jacobus Ehlers, the information available indicates that Mr. Ehlers, in his private capacity, could have brokered the arms transaction in question in June 1994."

45. The Foreign Minister also stated that the rifle inspected by the Commission on Iwawa Island, Rwanda, on 10 November 1995 had been manufactured in 1987 and sold in May 1991 to the Government of Rwanda.

C. Bulgaria

46. Another Government contacted by the Commission which had not replied was that of Bulgaria. Accordingly, the Commission wrote again to the Government of Bulgaria on 6 February 1996, again requesting a response to the allegations contained in a British television documentary, "Merchants of death", broadcast by Carlton UK Television on 13 June 1995. The documentary had featured a Bulgarian company, Kintex, whose executives, who were named in the programme, were portrayed as being prepared to deliver arms to Rwanda in violation of the United Nations embargo.

47. On 14 February 1996 the Permanent Mission of Bulgaria to the United Nations, referring to the Commission's two letters dated 1 December 1995 and 6 February 1996 and to the approach made by the President of the Security Council, replied as follows on behalf of the Bulgarian Government:

> "A thorough investigation of the allegations contained in a British television programme called 'Merchants of death', broadcast in June 1995, conducted by the Interdepartmental Council on the Military Industrial Complex and Mobilization Readiness, has found that the Republic of Bulgaria is abiding strictly by the arms embargo imposed by the Security Council on Rwanda on 17 May 1994, and has proved that the aforementioned allegations are unfounded.
>
> "The Republic of Bulgaria is fulfilling in good faith all obligations arising out of decisions of the Security Council, and the International Commission of Inquiry may further rely on the cooperation of the Bulgarian Government and its Permanent Mission to the United Nations in the execution of its important mandate."

D. Other States in the Great Lakes region

48. In accordance with its mandate, the Commission wished to visit all the countries of the Great Lakes region in order to collect information and

investigate reports, if any, concerning the possible rearming and training of those forces wherever they might be in that region. As noted in its interim report, for reasons beyond the control of the Commission, it did not prove possible to arrange visits to Burundi, Uganda and the United Republic of Tanzania before the submission of that report. The Commission visited Burundi from 26 to 29 January (see para. 17 above).

49. The Commission also continued its efforts to arrange high-level meetings between the Commission and the leaders of Uganda and the United Republic of Tanzania. The Chairman met with the High Commissioner of the United Republic of Tanzania to Kenya on 5 December 1995 and wrote to him the same day expressing the desire of the Commission to visit the Rwandan refugee camps in that country and meet with its senior Government officials. The Chairman wrote on 19 December 1995 and 23 January 1996 to the Minister for Foreign Affairs repeating his request, and noting that he had been obliged to report to the Security Council that his original request had met with no response. No reply has been received from the Government of the United Republic of Tanzania to those letters.

50. The Chairman also met with the High Commissioner of Uganda to Kenya on 23 November 1995 to request meetings with senior government officials, and wrote to the Minister for Foreign Affairs of Uganda on 19 December 1995 to follow up that request. He then wrote to the High Commissioner again on 15 February 1996 to the same effect, and made numerous telephone calls to pursue the matter.

51. On 8 March 1996, the day of the submission of the present report to the Secretary-General, the Commission received from the office of the United Nations Development Programme at Kampala a note to the effect that the Ugandan Minister for Foreign Affairs would be prepared to meet its members on 15 March 1996.

V. INFORMATION SOURCES AVAILABLE TO THE INTERNATIONAL COMMISSION OF INQUIRY CONCERNING THE ALLEGED SALE OR SUPPLY OF ARMS AND MATÉRIEL TO THE FORMER RWANDAN GOVERNMENT FORCES IN VIOLATION OF SECURITY COUNCIL RESOLUTIONS

52. The mandate of the International Commission of Inquiry involved the investigation of reports relating to alleged violations of the Security Council arms embargo imposed on the former Rwandan government forces. In its interim report, the Commission noted that it had been obliged in the first instance to use non-United Nations sources of information until it was able to investigate the allegations at first hand (S/1996/67, annex, para. 9).

53. The reports immediately available to the Commission included the Human Rights Watch Arms Project report referred to above (see para. 21), a subsequent report by Amnesty International confirming the Human Rights Watch study and a number of British and French media accounts, including at least three television documentaries: "The Gun Runners" of 17 November 1994, "Merchants of death" of 13 June 1995, both broadcast by Carlton UK Television, and a BBC "Newsnight" production of March 1995 on training.

54. Though it used these and other reports as provisional sources of information in the early stages of its investigation the Commission, as it made clear in its interim report, was careful to substantiate all facts reported to it as far as possible. This was done by interviewing eye-witnesses and inspecting documents, as well as by verifying allegations with the Governments concerned.

55. By paragraph 14 of its resolution 918 (1994), the Security Council decided to establish a Committee to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

> "(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the embargo imposed by paragraph 13 [of the resolution];
>
> "(b) To consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo;
>
> "(c) To recommend appropriate measures in response to violations of the embargo ... and provide information on a regular basis to the Secretary-General for general distribution to Member States".

56. As noted in its interim report (para. 41), the Commission requested the Committee established pursuant to resolution 918 (1994) to supply it with any information it had that might pertain to the Commission's mandate. The Commission was informed that the Government of Rwanda had submitted to the Committee the Human Rights Watch report, and that in response to questions arising therefrom the Governments of China and France had issued denials of any involvement in the alleged activities.

57. Shortly after the submission of its interim report, the Commission again wrote to the Committee requesting information on any measures the latter might have recommended in response to violations of the embargo, as called for in paragraph 14 (c) of resolution 918 (1994). The Chairman of the Committee replied that the Committee had no additional information and invited the Commission to share with the Committee any relevant information it might have.

58. The International Commission of Inquiry has received some assistance from United Nations agencies and programmes, including the United Nations Assistance Mission for Rwanda (UNAMIR). The Commission also obtained useful background information from some of the diplomats accredited to the States of the Great Lakes region, as well as from numerous individual sources. The report produced by Human Rights Watch Arms Project, subsequently endorsed by Amnesty International, was a primary source of detailed information, much of which the Commission was subsequently able to confirm for itself. Individual journalists and documentary film makers also produced detailed accounts of arms flows and training in eastern Zaire which were very carefully reviewed by the Commission. The French newspaper Libération pursued the matter doggedly, and press reports in the Seychelles newspaper Regar and the Paris-based Indian Ocean Newsletter contained information of great value, which the Commission was able

substantially to verify. There can be no doubt that these various reports not only provided the Commission with strong leads to follow, but also kept the matter in the public eye and, in the view of the Commission, contributed substantially towards deterring violations of the United Nations embargo.

59. By contrast, however, the Commission could not fail to note the absence of an effective, proactive mechanism to monitor or implement the arms embargo the Security Council had imposed on Rwanda. Had such a mechanism been functioning properly, the task of gathering information and investigating reports concerning alleged violations of the embargo that was subsequently entrusted to the Commission would undoubtedly have been facilitated. Indeed, the alleged violations might not have occurred if such a proactive mechanism had been functioning and been seen to be doing so. The Special Commission established pursuant to paragraph 9 (b) (i) of resolution 687 (1991), concerning the disarmament of Iraq, might serve as a useful model in this context.

60. The Commission is well aware of the practical, political and budgetary obstacles confronting the United Nations in its efforts to deal with sudden crises such as that which engulfed Rwanda in 1994. But such difficulties need not prevent the Security Council from establishing the machinery required for the full implementation of its resolutions, and the Commission proposes in paragraphs 77 to 81 below what form this machinery might take. It should be made clear that if the Security Council were to adopt these recommendations, ways would have to be found of providing the necessary additional resources for these activities, so as to reinforce the Organization's preventive diplomacy efforts, particularly in the fields of fact-finding and the development of early-warning systems. As noted in the report of the Secretary-General entitled "An Agenda for Peace" (S/24111), the specialized agencies and regional arrangements and organizations have an important role to play in this activity.

VI. RECRUITMENT AND TRAINING OF RWANDANS IN ZAIRE IN ORDER TO DESTABILIZE RWANDA

61. In its interim report, the Commission found that Rwandan men were receiving military training to conduct destabilizing raids into Rwanda. In examining the larger question of the sources of destabilization, the Commission agreed with the view often expressed that the presence of hundreds of thousands of refugees outside the borders of their own country was in itself a destabilizing factor.

VII. CURBING THE FLOW OF ILLICIT ARMS IN THE SUBREGION: NEED FOR CONFIDENCE-BUILDING MEASURES

62. The Commission proposes below a number of specific measures designed to deter possible attempts to sell or supply arms to the former Rwandan government forces in the future, and to encourage further investigation of violations it believes to have taken place in the past. In addition, the Commission would like briefly to address the broader issue of illicit arms flows in the Great Lakes region in violation of Security Council resolutions already adopted, and in the light of the Council's recent adoption of resolution 1040 (1996), taking

into account the fact that embargo-related measures will probably not be effective unless they are applied throughout the subregion.

63. To supplement its recommendations, therefore, the Commission also suggests the adoption of confidence-building measures by the international community and some of the Governments of the subregion which the Security Council may wish to consider endorsing (paras. 82-83).

VIII. CONCLUSIONS

64. On the basis of the evidence it has discovered in Zaire and Seychelles, the Commission is satisfied that the Government of Seychelles, acting on the basis of an end-user certificate apparently issued by the Government of Zaire, authorized a sale of weapons in its possession in mid-June 1994. The arms, which included AK-47 rifles, 82-mm and 60-mm mortar shells and 37-mm and 14.5-mm ammunition, were transported from Seychelles to Goma on 17 and 19 June 1994 by an Air Zaire DC-8 cargo aircraft, registration number 9QCLV, in two consignments of about 40 tons each. The transaction was negotiated by Colonel Théoneste Bagosora, then a high-ranking officer of the Rwandan government forces, with the participation of Mr. Willem Ehlers, a South African national, who described himself as director of a company called Delta Aero.

65. The Commission accepts that the Government of Seychelles immediately cancelled the planned remaining consignment in the light of new information which led it to believe that there was a possibility that the final destination of the arms could be the Rwandan government forces and that this would therefore have constituted a violation of the United Nations arms embargo against Rwanda.

66. The Commission has considered in great depth the significance of its findings. The first conclusion it has reached is that the response by the Government of Zaire to the questions posed by the Commission to the Zairian Minister for Foreign Affairs in Kinshasa was, at best, highly misleading and inadequate. The Commission is satisfied that the Government of Zaire knew, or should have known, that one of the very few functioning aircraft in its national airline had engaged in the transportation of arms from Seychelles to Goma, apparently in violation of the Convention of the International Civil Aviation Organization. If the Government was not aware of this, the publication of the allegations in the Human Rights Watch report and the questions posed by the Commission concerning those allegations should have induced the Government to investigate the matter rather than to prevaricate. Similarly, the Commission believes that the Zairian Government knew, or should have known, that a high-ranking Rwandan army officer, Colonel Théoneste Bagosora, was acting or purporting to act on its behalf in arms negotiations in Seychelles on the basis of an end-user certificate apparently issued by the Zairian Ministry of Defence in Kinshasa. In spite of this, the Zairian Government informed the Commission that it had no knowledge of this affair, or of Colonel Bagosora.

67. The Commission was conscious that one possible explanation of the delivery of arms to Goma in mid- and late 1994 and 1995 could have been that the Zairian authorities had themselves been supplying their own troops there or, subsequently, the troops of the UNHCR Zairian Camp Security Contingent.

However, as shown above, the Zairian Government made no such claim when asked to explain the Seychelles shipments.

68. The question remains whether or not there was a violation of the Security Council embargo, that is, whether or not the arms flown to Goma from Seychelles were subsequently handed over to the former Rwandan government forces. The Commission, for reasons made clear in its interim report, was effectively prevented while in Goma from seeking first-hand evidence of such a handover.

69. However, given the unsatisfactory response of the Government in Kinshasa to the Commission's questions, particularly its specific question about the issuance of an end-user certificate in respect of the Seychelles arms; the participation of Colonel Théoneste Bagosora, a senior officer of the former Rwandan government forces, then under a United Nations arms embargo, in the negotiations for the arms in Seychelles; the fact that Colonel Bagosora himself accompanied the arms to Goma; the fact that he informed a person interviewed by the Commission that the arms were destined for and delivered to the Rwandan government forces; the denial by the Zairian Minister of Defence of any knowledge of Colonel Bagosora, despite the latter's claim to have officially placed an Air Zaïre aircraft under military control and taken delivery of the Seychelles arms consignments on behalf of the Zairian Armed Forces; and the obstructive and uncooperative attitude of the Zairian Government officials assigned to assist the Commission in Goma, which made it impossible for the Commission to conduct its investigation there, the Commission concludes that it is highly probable that a violation of the United Nations embargo took place involving the supply of more than 80 tons of rifles, grenades and ammunition in two consignments flown to Goma airport on 17 and 19 June 1994 and subsequently transferred to the Rwandan government forces then in Gisenyi, Rwanda. If that is indeed the case, the Commission believes that the Government of Zaire or elements within it, in at least this one case, did aid and abet this violation.

70. The Commission accepts that the South African-made weapon found on Iwawa Island in the wake of the battle there in November 1995 was supplied to the then Rwandan Government some years before the embargo was imposed. However, the Commission does consider that further investigation is required into whether or not Mr. Willem Ehlers, a national of South Africa, also aided and abetted the sale or supply of arms to the Rwandan government forces in violation of the embargo, and whether the Delta or Delta Aero Company of which he identified himself as a director was also involved.

71. Finally, the Commission cannot fail to express regret at the difficulties it has experienced in obtaining information from some of the Governments of Member States of the United Nations. By paragraph 3 of resolution 1013 (1995), which contains the Commission's mandate, the Security Council called upon States, relevant United Nations bodies, including the Committee established by resolution 918 (1994), and as appropriate, international humanitarian organizations, and non-governmental organizations, to collate information in their possession relating to the mandate of the Commission, and requested them to make this information available as soon as possible.

72. By paragraph 5 of that resolution, the Council called upon the Governments of the States concerned in which the Commission will carry out its mandate to

cooperate fully with the Commission in the fulfilment of its mandate, including responding positively to requests from the Commission for security, assistance, and access in pursuing investigations, and listed a series of measures intended to assist the Commission in its work.

73. During the four months of its existence, the Commission addressed more than 40 letters to the Governments of Member States, and to international humanitarian organizations, non-governmental organizations and others, bringing these provisions, where appropriate, to their attention and requesting specific assistance (see appendix VII). As has already been observed in the interim report, the response was sometimes tardy and occasionally non-existent. In its numerous informal contacts, too, though it received extremely valuable cooperation from many sources, the Commission felt that some of its interlocutors might have been more helpful and informative. If they had been, the Commission might have been better able to address some of the questions that still remain unanswered. The Commission notes that its concerns in this matter were reflected in the letter dated 13 February 1996 from the President of the Security Council to the Secretary-General (S/1996/104).

74. The Commission proposes (para. 91 below) measures to strengthen the sanctions regime currently existing in respect of the sale or supply of arms and matériel to persons in the States neighbouring Rwanda, if that sale or supply is for the purpose of the use of such arms or matériel within Rwanda.

IX. RECOMMENDATIONS

75. The recommendations of the International Commission of Inquiry are designed to be practical at low cost to the United Nations and to Member States. It has, however, been made very clear to the Commission that even these modest measures cannot be taken without the provision of the necessary additional resources. The Commission must therefore state plainly its view that if the Security Council's resolutions are to be properly implemented, sufficient additional resources must be made available to put in place the measures proposed by the Commission, should the Council wish to adopt them.

76. Those measures take into account the efforts already made by the United Nations to resolve the situation in the Great Lakes region, and to deal with the economic, military and ethnic aspects of that situation. Concerns relating to national sovereignty were also taken into consideration. Against the background of the formidable constraints which confront the Organization, the Commission considers these measures to be the optimum practicable steps that can be taken towards achieving the aims embodied in the relevant resolutions of the Security Council.

A. Mechanisms to monitor, implement and enforce Security Council resolutions, to gather information and preserve evidence

77. The Commission recommends that the Security Council, when imposing an arms embargo on a State or part thereof under Chapter VII of the Charter, consider simultaneously urging neighbouring States to establish within their respective

Governments an office with the necessary legal, political, military, police, customs and border-guard personnel. The tasks of this office would be to incorporate the United Nations embargo into national law, to monitor, implement and enforce the operation of the embargo on its own territory and to make regular reports to the Security Council or such other organ as the Council may designate for this purpose.

78. A further responsibility of these offices would be to gather information, collect and preserve evidence and assist such investigating bodies as might subsequently be dispatched by the Security Council to inquire into any allegations of violations, or itself to undertake investigations if so requested by the Council.

79. Where the States concerned cannot staff and equip such offices wholly from within their existing resources, consideration could be given to establishing an appropriate trust fund within the context of Article 50 of the Charter, and to seconding personnel to assist the requesting Government.

80. Given the need for promptitude in any investigation of allegations of violations of an embargo, the Commission recommends that the Security Council, when establishing an embargo, should consider simultaneously creating an organ analogous to its Committee established pursuant to resolution 918 (1994), but with expanded functions. These would include the maintenance of liaison with the offices proposed above, the receipt, analysis and circulation to Member States of any reports submitted by those offices and the coordination with them of any investigation into alleged violations. The Commission further proposes that additional resources be found to provide adequate staff support for such a body.

81. This still leaves open the question of monitoring, implementing and enforcing the present embargo against the former Rwandan government forces following the completion of the work of the Commission. As proposed in paragraph 91 below, the Commission believes steps can and should be taken immediately to establish a monitoring unit in the subregion. Such a unit need not be large but should be mobile, and should be established and prepared to assume its duties at very short notice.

B. Measures designed to foster stability in the subregion

82. The Commission recommends that the Governments of the Great Lakes region, particularly that of Zaire, intensify their efforts:

(a) To ensure that their territory is not used for the recruitment or training of refugees and that it is not used as a base for armed groups to launch incursions or attacks against any other country;

(b) To prevent military training and the sale or supply of weapons to militia groups or other groups among the refugees.

83. The Commission is in complete agreement with the following conclusion of the summit meeting held at Cairo in November 1995, and recommends that the

Security Council endorse it, that the Heads of State and delegation who participated in the meeting be invited to implement it without delay, and that the international community stand ready to provide technical assistance if so requested:

> "The Heads of State and delegations viewed with deep concern the use of radio broadcasts to spread hate and fear in the region. The participants pledged to take all possible action to terminate the illegal and inflammatory radio broadcasts from one country into another. They called upon the international community to assist by providing technology to identify the location of mobile transmitters."

C. Confidence-building measures designed to reduce the flow of arms in the subregion

84. Many of the conflicts the Security Council seeks to address through the imposition of arms embargoes, including the situation in and around Rwanda and Burundi, are fuelled and exacerbated by small arms and land-mines. The Commission therefore recommends that, when an arms embargo is imposed, neighbouring States be encouraged to participate on a voluntary basis in maintaining a register or data bank of movements and acquisitions of small arms, ammunition and matériel. As a preliminary step, the Security Council may wish to encourage the States of the Great Lakes region to consider creating such a register.

85. Those States, if they have not already done so, should also be encouraged to adhere to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its Protocols, particularly those relating to the use of anti-personnel land-mines, as well as to the Moratorium on the Export of Anti-Personnel Land-Mines. In addition, supplier countries might be requested to ensure that they do not transfer such arms, including mines, to non-State entities or private businessmen.

D. Recommendations for the further investigation of violations which have or may have taken place

86. The Commission recommends that the Security Council consider inviting the Government of South Africa to investigate the participation of Mr. Willem Ehlers in the negotiations in Seychelles in June 1994 which led to the delivery of arms and ammunition to Goma, Zaire. This investigation should also extend to the activities of the Delta Company and related individuals and companies, if any, and its findings should be reported to the Security Council Committee established pursuant to resolution 918 (1994) for general distribution to Member States.

87. The Commission recommends that the Security Council consider calling on the Government of Bulgaria to make available to the Committee established pursuant to resolution 918 (1994) for general distribution to Member States the findings of the investigation conducted by the Interdepartmental Council on the Military

Industrial Complex and Mobilization Readiness of the Government of Bulgaria into allegations that officials of the Kintex Company, Sofia, were apparently willing to sell arms in violation of Security Council resolutions.

88. The Commission recommends that the Security Council call on the Government of Zaire to investigate the apparent complicity of its own personnel and officials in the purchase of arms from Seychelles in June 1994. The Government should also be required to conduct a thorough and transparent inquiry into alleged Zairian complicity in other suspected violations of Security Council resolutions and to report its findings to the Committee established pursuant to resolution 918 (1994), in accordance with a timetable set by the Security Council, for general distribution to Member States.

89. This investigation should resolve the serious discrepancies between the Government's responses to the Commission's written questions and the facts as subsequently established by the Commission. In particular, the investigation should explain why a high-ranking Rwandan officer of a force placed under a United Nations arms embargo, Colonel Théoneste Bagosora, was apparently authorized to act for the Zairian Ministry of Defence in the purchase of arms from Seychelles in June 1994 and to take delivery of arms on behalf of the Zairian Armed Forces; how Colonel Bagosora came by the end-user certificate apparently issued by the Zairian Ministry of Defence; who authorized him to charter an Air Zaire aircraft to transport the arms; and what became of those arms.

90. If the recommendations in section D above are adopted and the Member States concerned comply with the Council's requests, the Committee established pursuant to resolution 918 (1994) may then wish, in accordance with paragraph 14 (b) of resolution 918 (1994), to consider this information and to make recommendations to the Council on ways of increasing the effectiveness of the embargo.

E. Measures to deter further violations of the embargo

91. Finally, with specific reference to the situation concerning the former Rwandan government forces, the Commission recommends that:

(a) The Government of Zaire should again be invited to consider the stationing of United Nations observers on its territory to monitor the implementation of the embargo and deter the shipment of arms to the former Rwandan government forces in violation of the embargo;

(b) The Security Council may wish to consider extending the concept embodied in the UNHCR Zairian Camp Security Contingent, by which national troops are recruited, led and paid by the international community, and applying it to the monitoring of the embargo in Zaire, perhaps in cooperation with the Organization of African Unity under Chapter VIII of the Charter;

(c) As an interim measure, in order to maintain an element of deterrence and oversight until such longer-term solution can be found, the Security Council may wish to consider retaining the International Commission of Inquiry or creating a similar body with a very small number of members to maintain contacts

with the Governments of the Great Lakes region, to follow up the investigations of the Commission, to respond to any further allegations of violations and to make periodic reports to the Secretary-General on the evolution of the situation with regard to compliance with the relevant Security Council resolutions.

Appendix I

1. The International Commission of Inquiry would like to express its gratitude to the staff of the United Nations High Commissioner for Refugees and the United Nations Development Programme in Kenya, Rwanda, Burundi, the United Republic of Tanzania, Uganda and Zaire and to the United Nations Assistance Mission for Rwanda and its Liaison Office in Zaire for their invaluable assistance in helping the Commission meet its logistical, transportation and communications requirements.

2. The Commission wishes to express its deep appreciation to the government officials, diplomats, United Nations agencies, non-governmental organizations, individual relief workers, journalists and others who have assisted in its activities since the submission of its interim report. These include:

A. In Burundi

Government officials

President of the Republic, Mr. Sylvestre Ntibantunganya
Chief of Staff of the Armed Forces
Chief of Staff of the Gendarmerie
Administrator-General of State Security
Chef de Cabinet of the President

Representatives of States

Belgium
Germany
France

United Nations bodies

Chairman and members of the Commission of Inquiry in Burundi
Special Representative of the Secretary-General and his deputy

B. In France

Ministry of Foreign Affairs officials
Former Commander of Opération Turquoise
Former Commander of French forces at Goma airport during Opération Turquoise
Officials of the Secrétariat général de la Défense nationale
Representatives of manufacturers of arms and matériel

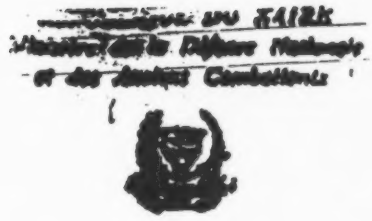
C. In Kenya

The Minister for Foreign Affairs of Kenya
Deputy High Commissioner of South Africa

D. In Seychelles

The Minister of Defence
Director-General, Ministry of Foreign Affairs
Chief of Staff of the People's Defence Forces

Appendix II



TO WHOM IT MAY CONCERN

I, Colonel T. BAGOSORA hereby certify that the Military Command of the Republic of Zaire has chartered aircraft QC9LV for military purposes. The said aircraft will be transporting arms and ammunitions from Seychelles to Zaire directly, and during the course of this flight, will be under full military responsibility of the Ministry of Defence of the Government of Zaire.

Signed: .....
Col. T. BAGOSORA

Dated: 16th June, 1994.

Appendix III

REPUBLIQUE DU ZAIRE
CABINET DU VICE-PREMIER MINISTRE
CHARGE DE LA DEFENSE NATIONALE
ET DES ANCIENS COMBATTANTS
KINSHASA

Le Vice-Ministre

CERTIFICAT DE DESTINATION FINALE

Je soussigne BAOKO YOKA, General de Brigade, Vice-Ministre de la Défense Nationale et des Anciens Combattants, certifie que les munitions et les TNT commandées auprès de la Société DELTA ont comme destination finale la République du ZAIRE.

La réexportation de ces munitions vers les tiers n'est pas permise sans le consentement du Gouvernement de la République de SEYCHELLES.

Fait à KINSHASA le 13-06-1994

LE VICE MINISTRE

/...

Appendix IV

SEYCHELLES PEOPLE'S DEFENCE FORCES
DEFENCE FORCES HEADQUARTERS

P O Box 363, Victoria — Mahe, Republic of Seychelles
Telegrams: SEYDEFENCE Telefax: 224338 Telex: 2365 SPDF SEZ Telephone: 224070, 224035

Please address all correspondence to the Chief of Staff

Ref:

Date: 16.6.94

This is to certify that I, Lt. Col. Leopold Payet have today handed over in good order to Colonel Bagosora the following items:

1.	AK 47 Rifles	-	2,500 units
2.	7.62 mm Ammunition	-	500,220 pcs
3.	Hand grenades	-	2,560 pcs
4.	12.7 mm HE Ammunition	-	33,696 pcs

Payet

LT. COL. L. PAYET
For : S.P.D.F.

COL. BAGOSORA
For : F.A.Z.

DATED: 16.6.94.

16 Juin 1994

/...

Appendix V

DFHQ's/.....

SEYCHELLES PEOPLE'S DEFENCE FORCES

Telegrams: SEYDEFENCE
Telex: 2365 SPDF SZ
Fax: 24338
Telephone: 24070/24005

Defence Forces Headquarters
Republic of Seychelles
P.O. Box 363
Victoria – Mahe

18th June 1994

This is to certify that I, Col. Leopold Payet have today handed over on good order to Colonel Bagosora the following items:

1.	60 mm Mortar	-	6,000 pcs
2.	82 mm Mortar	-	624 pcs
3.	12.7mm HE Ammunition	-	4,800 pcs
4.	37 mm + Fuse	-	5,440 Pcs
5.	14.5 mm	-	7,600 pcs
6.	Fragmentation Rifle Grenades	-	5,600 pcs

LT. COL. L. PAYET
For: S.P.D.F

COL. BAGOSORA
For: F.A.Z

DATED: 18-6 94 18 Juin 1994

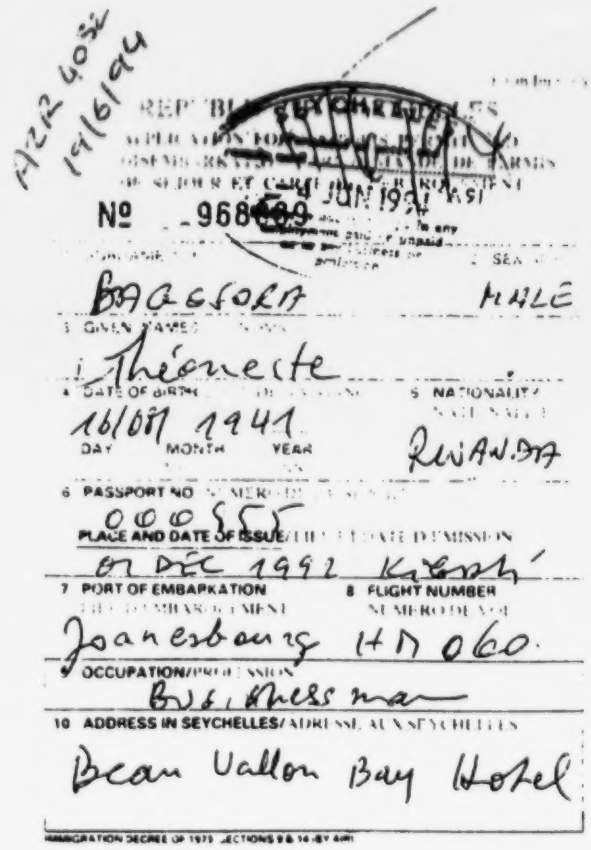
/...

Appendix VI

Information provided by the Government of Seychelles, derived from immigration card reproduced below

NAME:	**THEONESTE**
SURNAME:	**BAGOSORA**
NATIONALITY:	**RWANDAN**
DATE OF BIRTH:	**16/08/1941**
PASSPORT NO.	**044855**
DATE OF ISSUE:	**01/12/1992**
PLACE OF ISSUE:	**KIGALI**
OCCUPATION:	**BUSINESSMAN**
LOCAL ADDRESS:	**BEAU VALLON BAY HOTEL**
PORT OF EMBARKATION:	**JOHANNESBURG**
FLIGHT NO.	**HM060**
ARRIVAL DATE:	**04/06/1994**
DEPARTURE DATE:	**19/06/1994**
FLIGHT NO.	**AZR4032**
OVERSEAS ADDRESS:	**P O BOX 347 KIGALI, RWANDA**

Recto



Nº 968689

BAGSORA MALE

3 GIVEN NAMES Théoneste

4 DATE OF BIRTH 16/09/1941 (DAY / MONTH / YEAR)

5 NATIONALITY RWANDA

6 PASSPORT NO 000555

PLACE AND DATE OF ISSUE Kigali 01 DEC 1992

7 PORT OF EMBARKATION Johannesburg

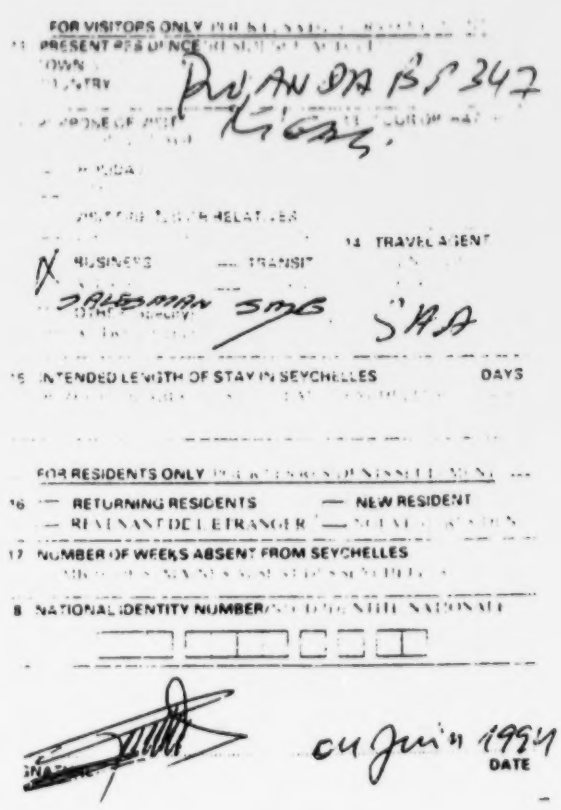
8 FLIGHT NUMBER SA 060

9 OCCUPATION Businessman

10 ADDRESS IN SEYCHELLES Beau Vallon Bay Hotel

IMMIGRATION DECREE OF 1979 SECTIONS 9 & 10 (BY AIR)

Verso



FOR VISITORS ONLY

11 PRESENT RESIDENCE RWANDA BP 347 Kigali

12 PURPOSE OF VISIT

13 TRAVEL AGENT

X BUSINESS — TRANSIT

SALESMAN SMG SAA

15 INTENDED LENGTH OF STAY IN SEYCHELLES DAYS

FOR RESIDENTS ONLY

16 — RETURNING RESIDENTS — NEW RESIDENT

17 NUMBER OF WEEKS ABSENT FROM SEYCHELLES

18 NATIONAL IDENTITY NUMBER

04 Juin 1994 DATE

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Appendix VII

Correspondence between the International Commission of Inquiry and Governments and others, November 1995-February 1996

	Outgoing			Incoming	
No.	Date	Addressee	Subject	Date	Remarks
1	12 Nov.	Committee established pursuant to resolution 918 (1994)	Request for information	24 Nov.	No information available
2	24 Nov.	Zaire	Explanation of Commission's mandate and purpose		No reply, but Commission visited Kinshasa, 8-16 December
3	27 Nov.	International Committee of the Red Cross	Request for information		No reply, but ICRC representative visited Commission on 1 December to discuss
4	27 Nov.	China	Request for information concerning allegations	30 Jan.	Allegations denied
5	27 Nov.	South Africa	Request for information concerning allegations	20 Feb.	Minister for Foreign Affairs replied
6	27 Nov.	France	Request for information concerning allegations	2 Jan.	Allegations denied
7	29 Nov.	South Africa	Request for information about weapons	20 Feb.	Reply contained information requested
8	29 Nov.	Belgium	Request for information about weapons	10 Jan.	Reply contained details requested
9	29 Nov.	UNAMIR	Request for review files		Partial review took place on 1 December
10	30 Nov.	United Kingdom Customs	Request for information		No reply
11	1 Dec.	Bulgaria	Request for information concerning allegations	14 Feb.	Allegations denied

	Outgoing			Incoming	
No.	Date	Addressee	Subject	Date	Remarks
12	4 Dec.	UNAMIR	Request for information concerning arms handed over by Opération Turquoise		No reply, but contacts continued
13	5 Dec.	France	Request for name of designated official	2 Jan.	Government designated official
14	5 Dec.	Belgium	Request for name of designated official	10 Jan.	Reply received, but no official designated
15	5 Dec.	United Republic of Tanzania	Request to visit		No reply
16	5 Dec.	Médecins sans frontières	Request for information	11 Dec.	Promise of assistance
17	7 Dec.	Seychelles	Request for information concerning allegations		No reply
18	9 Dec.	Zaire	Request for information concerning allegations	15 Dec.	Reply provided orally and in writing by Minister for Foreign Affairs
19	18 Dec.	United Kingdom Customs	Follow-up to earlier request		No reply, but meeting took place on 10 January
20	18 Dec.	UNHCR	Request for information	19 Jan.	Information provided
21	19 Dec.	United Republic of Tanzania	Request to visit		No reply
22	19 Dec.	Uganda	Request to visit		No reply
23	20 Dec.	Burundi	Request to visit	24 Jan.	Visit took place, 26-29 January
24	20 Dec.	Rwanda	Request for further information		No reply, but informal contacts have continued
25	5 Jan.	ICAO	Request for information	8 Feb.	Information provided
26	18 Jan.	Belgium	Request for information		No reply as yet
27	18 Jan.	Seychelles	Request to visit	23 Jan.	Visit took place, 31 January-5 February

	Outgoing			Incoming	
No.	Date	Addressee	Subject	Date	Remarks
28	22 Jan.	Kenya	Request for meeting	29 Jan.	Meeting took place on 29 January
29	22 Jan.	Burundi	Request to visit	24 Jan.	Visit took place, 26-29 January
30	23 Jan.	United Republic of Tanzania	Renewed request to visit		No reply
31	25 Jan.	France	Request to meet with French officers	13 Feb.	Reply offered meeting with officers, Ministry of Foreign Affairs and others
32	30 Jan.	Kenya	Note verbale requesting contacts with officials	29 Feb.	Reply proposed meetings on Commission's return
33	30 Jan.	Committee established pursuant to resolution 918 (1994)	Request for information	8 Feb.	No information available
34	5 Feb.	Federal Reserve Bank of New York	Request for information	27 Feb.	Information provided
35	6 Feb.	Bulgaria	Follow-up letter	14 Feb.	Allegations denied
36	6 Feb.	South Africa	Follow-up letter	20 Feb.	Reply from Minister for Foreign Affairs
37	8 Feb.	Seychelles	Further request for assistance	10 Feb.	Information provided
38	12 Feb.	ICAO	Further request for assistance		No reply as yet
39	14 Feb.	Federal Reserve Bank of New York	Follow-up letter	27 Feb.	Information provided
40	15 Feb.	Uganda	Renewed request to visit	8 March	Response received
41	16 Feb.	Kenya	Renewed request for meetings	29 Feb.	Reply proposed meetings on Commission's return
42	16 Feb.	France	Request to meet with French officers	23 Feb.	Interview with officers arranged; meetings took place, 26-29 February

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